

IN RE: PETITION FOR ZONING VARIANCE  
NW/5 Freeland Road, 540' NW of  
the c/l of Freeland Road Ext.  
(2140 Freeland Road, Lot 3)  
6th Election District  
3rd Councilmanic District  
Gerald P. Cunningham, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-360-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard, with a height of 24 feet in lieu of the maximum permitted height of 15 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Appearing as an interested party was Thaddeus Cox, a nearby resident of the area. There were no Protestants.

Testimony indicated that the subject property, known as 2140 Freeland Road, consists of 3.112 acres more or less zoned R.C. 2 and is improved with a single family dwelling which has been the Petitioners' residence for the past three years. Mr. Cunningham testified that he proposes constructing a 24' x 40' shed to store the family vehicles and personal property. He testified that the area originally used as a garage has been converted to a work area for his woodcraft hobby. Testimony indicated that due to the location of the septic system in the rear of the property and the topography of the land, the proposed structure cannot be constructed in strict compliance with the zoning regulations. Petitioners have discussed their plans with adjoining neighbors who have indicated they have no objection.

Mr. Cunningham further testified that the requested height variance is not for the entire structure but is limited to an area which will accommodate a dome approximately 6 feet high by 12 feet wide to be used as a mini-observatory for the family to pursue their interests in astronomy. To support Petitioner's request, Petitioner introduced a wood model of the proposed building which was created by he and his son. A picture of said model was taken by the Petitioner and submitted as Petitioner's Exhibit 3.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

-2-

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of March, 1989 that the Petition for Zoning Variance to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard, with a height of 24 feet in lieu of the maximum permitted height of 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The height for the overall structure, aside from the dome area, shall not be greater than 17 feet. The dome area height shall not exceed 24 feet.
- 3) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The proposed shed shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

-3-

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
(301) 887-3533

J. Robert Haines  
Zoning Commissioner

March 15, 1989



Dennis F. Rasmussen  
County Executive

Mr. & Mrs. Gerald P. Cunningham  
2140 Freeland Road  
Freeland, Maryland 21053

RE: PETITION FOR ZONING VARIANCE  
NW/5 Freeland Road, 540' NW of the c/l of Freeland Road Ext.  
(2140 Freeland Road)  
6th Election District - 3rd Councilmanic District  
Gerald P. Cunningham, et ux - Petitioners  
Case No. 89-360-A

Dear Mr. & Mrs. Cunningham:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ

Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

cc: People's Counsel

File

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto, do hereby petition for a Variance from Section 590.1.1 and 590.2.1 to allow an accessory structure (shed) to be located in a side yard in lieu of the required rear yard with a height of 24 ft. in lieu of the maximum permitted 15 ft. respectively.

1. WE DO NOT LIVE IN A TYPICAL SUB-DIVISION. HOUSES ARE BUILT FACING EVERY DIRECTION.
2. THE TOPOGRAPHY OF THE LAND INCLINES TO THE REAR OF THE HOUSE.
3. EXISTING DRIVEWAY AND GRADING OF THE LOT WOULD CAUSE PRACTICAL DIFFICULTY TO BUILD THE SHED BEHIND THE HOUSE.
4. SEE ATTACHED PAGE

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

GERALD P. CUNNINGHAM, JR. 39,450

(Type or Print Name)

Signature

PATRICIA L. CUNNINGHAM

(Type or Print Name)

Signature

2140 Freeland Rd

Address

21053

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

059761

ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY, this 11th day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County on the 12th day of March, 1989, at 2 o'clock P.M.

Zoning Commissioner of Baltimore County.

RECEIVED BY: DATE 12/27/89

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RECEIVED BY: DATE 12/27/89

#### ZONING VARIANCE FOR 2140 FREELAND ROAD.

- #4. I WOULD LIKE TO REQUEST A HEIGHT VARIANCE TO 24' HIGH TO ACCOMMODATE A DOME APPROXIMATELY 6' H - 12' D TO BE USED AS A MINI OBSERVATORY TO PURSUE MY HOBBY ALSO TO BE USED TO FURTHER MY 11 YEAR OLD SON INTEREST IN ASTRONOMY. FOR PROTECTION FROM THE WEATHER THE BEST VIEWING IS IN THE WINTER.

Zoning Description  
FROM THE CENTER LINE INTERSECTION OF FREELAND AND MIDDLETOWN RDS. A DISTANCE OF 735 FT NORTH EAST ALONG THE CENTER LINE OF FREELAND RD A DISTANCE OF 540 FT THEN 65 FT IN A NORTH WEST DIRECTION PERPENDICULAR TO FREELAND RD. TO THE P.O.B. OF THE LOT KNOWN AS LOT 3 OF SPRING VALLEY FARMS, AS SHOWN ON A PLAT ENTITLED "SECOND AMENDED PLAT SECTION ONE PLAT ONE" IS RECORDED IN THE EHR JR #53 F. 98 ALSO KNOWN AS 2140 FREELAND RD

I accept the responsibility that the above description is true  
Gerald P. Cunningham

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., February 20, 1989.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb 16, 1989.

THE JEFFERSONIAN,

Publisher

PO 09761

reg M25267

price \$95.29

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

89-360-A

District: 6th

Posted for: Variance

Petitioner: Gerald P. Cunningham

Location of property: NW/5 of Freeland Road, 540' NW of the c/l of Freeland Road

Location of Sign: Along on front of 2140 Freeland Road, Baltimore County

Remarks: 1 sign NW/5 of Freeland Road at entrance Road to subject property

Posted by: J. Robert Haines

Number of Signs: 2

Date of return: 2-24-89



# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 27, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

000

S. Eric DiNenna, Esquire  
409 Washington Avenue, Suite 600  
Towson, MD 21204

RE: Item No. 276, Case No. 89-361-XA  
Petitioner: Paul Shriver, et ux  
Petition for Special Exception and Zoning Variance

Der Mr. DiNenna:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plan or problems with regard to the development plans that may be a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINDARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3331.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

MICROFILMED

cc: Mr. & Mrs. Paul Shriver  
7105 Sheffield Road  
Baltimore, MD 21212

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

January 13, 1989

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: Paul Shriver, et ux

Location: 7105 Sheffield Road

Item No.: 276

Zoning Agenda: Meeting of 1/17/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill*  
Planning & Zoning  
Special Inspection Division

NOTED &  
APPROVED: *John F. O'Neill*  
Fire Prevention Bureau

/j1

MICROFILMED

## BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 24, 1989

FROM: Robert W. Bowling, P.E.

RE: Meeting of January 17, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting. We have no comments for Items 272, and 276.

For Item 273, Frederick Wayne Winkler property, the required minimum parking space length is 16 1/2 feet with overhang space available.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E. Chief  
Developers Engineering Division

RWB:s

Encls.

MICROFILMED

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

J. Robert Haines  
TO: Zoning Commissioner  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
Paul Shriver  
SUBJECT: Zoning Petition No. 89-361-XA

Date: March 9, 1989

The number of dogs should be limited since the yard is 7'3" x 6'5" and the houses are 20'4" apart. Five or six dogs may be reasonable; a large facility of 15 or 20 may be very undesirable. The height of the fence should be determined.

FZ/sf

RECEIVED  
MAR 10 1989  
ZONING OFFICE

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

October 9, 1989

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Special Exception (and Variance)  
E/S Sheffield Road, 265' +/- N of the c/l of Chumleigh Road  
(7105 Sheffield Road)  
8th Election District, 4th Councilmanic District  
PAUL SHRIVER, ET UX - Petitioner  
Case No. 89-361-XA

Dear Board:

Please be advised that an appeal of the Special Exception portion only of above-referenced case was filed in this office on October 2, 1989 by S. Eric DiNenna, attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

JRH:cer

Enclosures

cc: Paul and Margery Shriver, 7105 Sheffield Rd., Balto., MD 21212

S. Eric DiNenna, Esquire - DiNenna, Mann & Breschi  
409 Washington Avenue, Suite 600, Towson, MD 21204

Oscar Moritz, Jr., 7103 Sheffield Rd., Balto., MD 21212

Terry Shriver, 2009 Indianhead Rd., Towson, MD 21204

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Appeal Cover Letter - Case No. 89-361-XA  
Paul Shriver, et ux - Petitioner  
October 9, 1989  
Page 2

Rebecca Tensil, 17003 Sunswep Lane, Parkton, MD 21120  
Ralph and Charlotte Peters, 7106 Sheffield Rd., Balto., MD 21212  
Jeanne Ward, 7111 Sheffield Rd., Baltimore, MD 21212  
Edward Sybert, 7107 Sheffield Road, Baltimore, MD 21212  
Kathleen Bates, 7104 Sheffield Road, Baltimore, MD 21212  
Beth Spedalere, 525 Allegheny Avenue, Towson, MD 21204  
Theresa Weller, 7113 Sheffield Road, Baltimore, MD 21212  
William and Sandra Pastie, 7110 Sheffield Road, Balto., MD 21212  
J. Shawn Alcaresse, Esquire  
Suite 700, 207 E. Redwood Street, Baltimore, MD 21202  
Shelley, Robert, Charlotte, Jay and Robin Smith  
7104 Oxford Road, Baltimore, MD 21212  
Beverly Brandon, 7105 Oxford Road, Baltimore, MD 21212  
Barry Miller, 7109 Oxford Road, Baltimore, MD 21212  
Eugenie Foster & A. S. Boccuto, 7105 Wardman Road, Balto., MD 21212  
Wendy Frank, 7115 Bristol Road, Baltimore, MD 21212  
Chessy Spence, 7107 Bristol Road, Baltimore, MD 21212  
Ann Hickman, 7117 Bristol Road, Baltimore, MD 21212  
Olivia J. Caraluzzi, 7101 Oxford Road, Baltimore, MD 21212  
Carolyn Whittington, 601 Kingston Road, Baltimore, MD 21212  
Marjorie Pilachowski, 901 Greenleigh Road, Baltimore, MD 21212  
Maynard Herp, 605 Kingston Road, Baltimore, MD 21212  
Charles Whittington, 601 Kingston Road, Baltimore, MD 21212  
Ann Schaefe, 805 Chumleigh Road, Baltimore, MD 21212

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Appeal Cover Letter - Case No. 89-361-XA  
Paul Shriver, et ux - Petitioner  
October 9, 1989  
Page 3

Sharon McIntire, 910 Wellington Road, Baltimore, MD 21212  
Robert and Deborah Slingsluff, 7006 Bristol Road, Balto., MD 21212  
Jim Wiedefeld, Jr., 1517 York Road, Lutherville, MD 21093  
Douglas and Mary Parvis, 7011 Copeleigh Road, Baltimore, MD 21212  
People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204  
File

MICROFILMED



# APPEAL

Petition for Special Exception (and Variance)  
E/S Sheffield Road, 265' +/- N of the c/l of Chumleigh Road  
(7105 Sheffield Road)  
8th Election District - 4th Councilmanic District  
PAUL SHRIVER, ET UX - Petitioner  
Case No. 89-361-XA

Petition for Special Exception ✓  
Description of Property ✓  
Certificate of Posting ✓  
Certificate of Publication ✓  
Entry of Appearance of People's Counsel (None submitted)  
Zoning Plans Advisory Committee Comments ✓  
Director of Planning & Zoning Comments ✓  
Memorandum of Law ✓  
Memorandum in Opposition ✓  
Petitioner's Exhibits: 1. Plat to accompany Petition ✓  
2. through 10 - Letters of Support from neighbors on Sheffield Road ✓  
11. Photographs of the Shriver's lot ✓  
12A, 12B, 12C - Photographs of snow dogs ✓  
13. & 14. - Letters of Support from neighbors on Sheffield Road ✓  
Protestant's Exhibits: 1. Drawing of streets in the Stoneleigh area ✓  
2. Photographs of dogs on Shriver's lot ✓  
3. through 7 - Letters of Opposition from neighbors on Sheffield Road ✓  
Zoning Commissioner's Order dated August 31, 1989 (Granted with restrictions) ✓  
Zoning Commissioner's Amended Order dated September 13, 1989 (Amended to delete Restriction No. 6 and to modify Restriction No. 2) ✓  
Notice of Appeal for Special Exception portion only received October 2, 1989 from S. Eric DiNenna, attorney on behalf of the Petitioners. ✓

cc: Paul and Margery Shriver, 7105 Sheffield Rd., Balto., MD 21212  
\* S. Eric DiNenna, Esquire - DiNenna, Mann & Breschi  
409 Washington Avenue, Suite 600, Towson, MD 21204

Appeal Checklist - Case No. 89-361-XA  
Paul Shriver, et ux - Petitioner  
October 9, 1989  
Page 2

Oscar Moritz, Jr., 7103 Sheffield Rd., Balto., MD 21212  
Terry Shriver, 2009 Indianhead Rd., Towson, MD 21204  
Rebecca Tansil, 17003 Sunswapt Lane, Parkton, MD 21120  
Ralph and Charlotte Peters, 7106 Sheffield Rd., Balto., MD 21212  
Jeanne Ward, 7111 Sheffield Rd., Baltimore, MD 21212  
Edward Sybert, 7107 Sheffield Road, Baltimore, MD 21212  
Kathleen Bates, 7104 Sheffield Road, Baltimore, MD 21212  
Beth Spedale, 525 Allegheny Avenue, Towson, MD 21204  
Theresa Weller, 7113 Sheffield Road, Baltimore, MD 21212  
William and Sandra Fastie, 7110 Sheffield Road, Balto., MD 21212  
J. Shawn Alcaresse, Esquire  
Suite 700, 207 E. Redwood Street, Baltimore, MD 21202  
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Charles Whittington, 601 Kingston Road, Baltimore, MD 21212  
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Jim Wiedefeld, Jr., 1517 York Road, Lutherville, MD 21093  
Douglas and Mary Parvis, 7011 Copeleigh Road, Baltimore, MD 21212  
People's Counsel, Rm. 304, County Office Bldg., Towson, Md. 21204  
File

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Appeal Cover Letter - Case No. 89-361-XA  
Paul Shriver, et ux - Petitioner  
October 9, 1989  
Page 3

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
J. Robert Haines, Zoning Commissioner  
Ann M. Haskarowicz, Deputy Zoning Commissioner  
James E. Dyer, Zoning Supervisor  
Docket Clerk

PAUL SHRIVER, ET UX  
E/S Sheffield Rd., 265' +/- N of  
c/l of Chumleigh Rd. (7105  
Sheffield Rd.)  
89-361-XA  
8th Election District  
4th Councilmanic District

SE -Dog (hobby) kennel

January 18, 1989 Petition filed by S. Eric DiNenna, Esquire on behalf of Mr. & Mrs. Paul Shriver for a Special Exception for dog (hobby) kennel.  
August 31 Z.C.'s Order GRANTING Petition with restrictions.  
September 13 Z.C.'s Amended Order deleting restriction no. 6 and modifying restriction no. 2.  
October 2, 1989 Order for Appeal filed by S. Eric DiNenna, Esquire on behalf of the Petitioners, Mr. and Mrs. Paul Shriver.  
May 8, 1990 Hearing before the Board of Appeals.  
May 25 Opinion and Order of the Board GRANTING the Petition with restrictions.  
June 25, 1990 Order for Appeal filed in the Circuit Court for Baltimore County by J. Shawn Alcaresse, Esquire on behalf of Mr. and Mrs. Robert Smith, et al, Protestants.  
July 5, 1990 Petition to accompany appeal filed in the Circuit Court by Mr. Alcaresse.  
June 26, 1990 Certificate of Notice sent to interested parties.  
July 24, 1990 Transcript of testimony filed.  
July 24, 1990 Record of Proceedings filed in the Circuit Court for Baltimore County.  
November 7 Order of the CCT from the bench REMANDING case to C.B. of A.  
November 14 Notice in Banc Review filed in CCT by S. Eric DiNenna, Esquire.  
January 7, 1991 Order of the CCT, BCO REMANDING case to C.B. A. (Cahill)  
April 12 In Banc Review Memorandum Opinion and Order of the CCT, BCO REVERSING original Order to REMAND to C.B. of A. (Howe, Hinkel & DeWaters).

MICROFILMED

2/24/89 Called 821-1534 to speak with Mr. Smith - he was unavailable. His wife took message, which she read back to me.

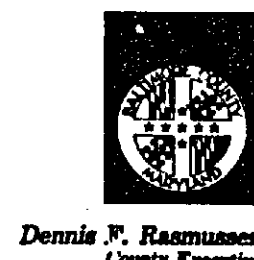
I advised that it was necessary for him to forward a written postponement request to this office, together with documentation as to his prior commitment. Also that he would have to copy in DiNenna and Kotroco. Said request should be directed to Ann's attention.

I repeated several times, that even with a written request, the possibility of the case going forward on the assigned date still remain. I advised that after receipt of his request and discussions with the other parties involved, a decision would be made and he would be advised.

Gwen

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner



March 16, 1989

Mrs. Marjorie M. Quigley  
7110 Oxford Road  
Baltimore, Maryland 21212

RE: Case #89-361XA  
Petition for Special Exception and Variance  
Mr. and Mrs. Paul Shriver

Dear Mrs. Quigley:

I am in receipt of your letter of March 13, 1989 concerning the above captioned matter. Please be advised that I have included your letter in the case file.

Baltimore County does not have a Zoning Board. The authority over zoning decisions for Special Exceptions and Variances rest with the Zoning Commissioner. Every citizen is entitled to the right to request relief like a Special Exception from the Zoning Commissioner. It is unnecessary cynicism to challenge the right to make a request and have a hearing, no matter how much you disagree with the request.

Your statements and innuendoes concerning my professionalism simply does not warrant a civilized response. If you wish to testify in this matter, I will provide the opportunity for citizen input during the hearing on March 17, 1989.

Very truly yours,  
J. Robert Haines  
J. Robert Haines  
Zoning Commissioner

JRH:mmm  
cc: S. Eric DiNenna, Esquire, 409 Washington Ave, Suite 600, Towson, Md. 21204  
Mr. J. Shawn Alcaresse, 807 Wellington Road, Baltimore, Md. 21212  
Mr. Barry Miller, 7105 Oxford Road, Baltimore, Maryland 21212

MICROFILMED

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner



April 17, 1989

S. Eric DiNenna, Esquire  
P.O. Box 10508  
Towson, Maryland 21285-0508

RE: Petitions for Special Exception and Variance  
E/S Sheffield Road, 265' +/- N of the c/l of Chumleigh Road  
(7105 Sheffield Road)  
8th Election District - 4th Councilmanic District  
Case No. 89-361-XA

Dear Mr. DiNenna:

In response to your letter dated April 10, 1989 requesting additional time to resolve any differences between your client and the Protestants in the above-captioned matter, please be advised that you have an extension until April 24, 1989 at which time I will expect notice from you as to the status of this matter.

Very truly yours,  
J. Robert Haines  
J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: File

J. Shawn Alcaresse, Esquire  
807 Wellington Road  
Baltimore, Md. 21212

MICROFILMED

LAW OFFICES  
J. SHAWN ALCARESE  
SUITE 700  
207 E. REDWOOD ST.  
BALTIMORE, MARYLAND 21202  
TELEPHONE 301-885-4558

April 3, 1989

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Re: Case #89-361XA  
Shriver Special Exception and Variance

Dear Mr. Haines:

Enclosed herewith please find Memorandum in Opposition to the granting of the above-captioned requested Petitions.

Very truly yours,  
J. Shawn Alcaresse

JSA/mlw  
enclosure  
cc: Barry Miller and Beverly Brandon  
Robert and Charlotte Smith  
S. Eric DiNenna, Esquire

MICROFILMED



*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER  
Received by: **James E. Dyer**  
Chairman, Zoning Plan  
Advisory Committee



# GENERAL NOTES:

- HIGHWAY, HIGHWAY WIDENING, SLOPE EASEMENTS AND DRAINAGE UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTO. CO. MD. THE DEVELOPER, ITS SUCCESSORS AND ASSIGNS SHALL CONVEY SAID AREAS BY DEED UNTO BALTO. CO. MD. AT NO COST.
- RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PAT. OPEN SPACE OR OTHER PUBLIC AREA SHOWN ON THE PLAT.
- THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-68, BILL NO 56-82.
- THE RECORDING OF THE PLAT DOES NOT GUARANTEE THE INSTALLATION OF STREETS OR UTILITIES BY BALTO. CO. MD.
- INFORMATION SHOWN MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
- ADDITIONAL INFORMATION CONCERNING THE PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING & ZONING AND DEPT. OF PUBLIC WORKS.
- FOR PANHANDLE LOTS, REFUSE COLLECTION, SNOW REMOVAL & ROADWAY MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE & STREET R/W LINE ONLY, AND NOT ONTO THE PANHANDLE LOT DRIVEWAY.
- FORMAL IRREVOCABLE OFFERS OF DEDICATION HAVE BEEN MADE.

## DENSITY NOTES:

- EXISTING ZONING OF PROPERTY
- NO. OF LOTS PROPOSED
- GROSS AREA OF LOTS

R.C.-2  
3-PARCEL A  
11.565 Ac±

## CURVE DATA

FROM-TO	RADIUS	DELTA	ARC	TANGENT	CHD. BRG. & DIST.
4-414	715.00'	08°37'46"	107.67'	55.95'	N87°31'34"E 95.20'
5-12	715.00'	22°06'05"	276.22'	139.86'	S75°29'44"E 274.51'
415-13	765.00'	26°34'35"	364.12'	185.40'	N78°33'09"E 360.96'
7-424	500.00'	70°13'36"	61.28'	35.16'	S67°27'58"E 57.52'
424-423	25.00'	70°32'09"	30.76'	17.68'	S67°36'46"E 28.87'
7-423	50.00'	60°08'43"	92.49'	26.95'	S27°07'43"W 50.11'

## COORDINATE TABLE

NO.	NORTH	EAST	NO.	NORTH	EAST
1	6360.66	4765.59	83	6504.26	4564.17
2	6162.66	4915.30	84	6203.36	4492.41
3	6119.86	5168.92	86	5263.51	4772.03
4	5504.83	5407.72	87	5300.81	4607.50
5	5436.53	5307.37	414	5500.19	5300.23
6	5152.23	5204.31	415	5507.41	5075.45
7	5035.64	5007.40	423	5061.94	5075.71
12	5367.76	4741.60	424	5063.13	5066.87
13	5435.79	4721.76	426	5021.06	4956.52
8	5716.75	4581.42			

NOTE: SOIL PERCOLATION TESTS WILL BE VALID FOR A PERIOD OF THREE YEARS FROM THE DATE THE RECORD PLAT IS SIGNED BY THE DEPUTY STATE & COUNTY HEALTH OFFICER. AT THE EXPIRATION OF THIS PERIOD NEW TESTS MAY BE REQUIRED.

All requirements of the Maryland State Department of Health and Baltimore County Department of Health pertaining to private water and/or sewerage systems must be complied with prior to approval of building applications.

## REASON FOR FIRST AMENDMENT:

TO RELOCATE THE COMMON LINE BETWEEN LOTS 5, 4, 13 AND TO CREATE PARCEL 'A'.

## REASON FOR SECOND AMENDMENT:

TO REVISE TITLE LINE BETWEEN PARRISH PROPERTY AND SPRING VALLEY FARMS.

OWNERS LOT 5: THEODORE J. FUNK  
LINDA G. FUNK  
DATE: 1/1/85

OWNERS LOT 3: GERALD P. CUNNINGHAM  
PATRICIA L. CUNNINGHAM  
DATE: 4/1/85

APPROVED: BALTIMORE CO. OFFICE OF PLANNING & ZONING

9/10/85  
DATE: Thomas E. Lorber  
DIRECTOR

APPROVED: BALTIMORE CO. DEPT. OF PUBLIC WORKS

9/16/85  
DATE: [Signature]  
DIRECTOR

## NOTE:

THE STREETS AND/OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE EASERS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

## NOTE:

COURSES & COORDINATES SHOWN HEREON ARE BASED ON ASSUMED DATUM.

## OWNER'S CERTIFICATE

THE UNDERSIGNED, OWNER OF THE LAND SHOWN HEREON, HEREBY CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENT OF SUBSECTION (C) OF SECTION 3-106 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND HAS BEEN COMPLIED WITH, AS SAME CONCERNS THE MAKING OF THE PLAT AND SETTING OF MARKERS.

By Joseph M. McNeil  
J. David Lawson  
OWNER

8-9-85  
DATE:

## SURVEYOR'S CERTIFICATE

THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN HEREON HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-106 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND PARTICULARLY INsofar AS SAME CONCERNS THE MAKING OF PLAT AND MARKER SETTING.

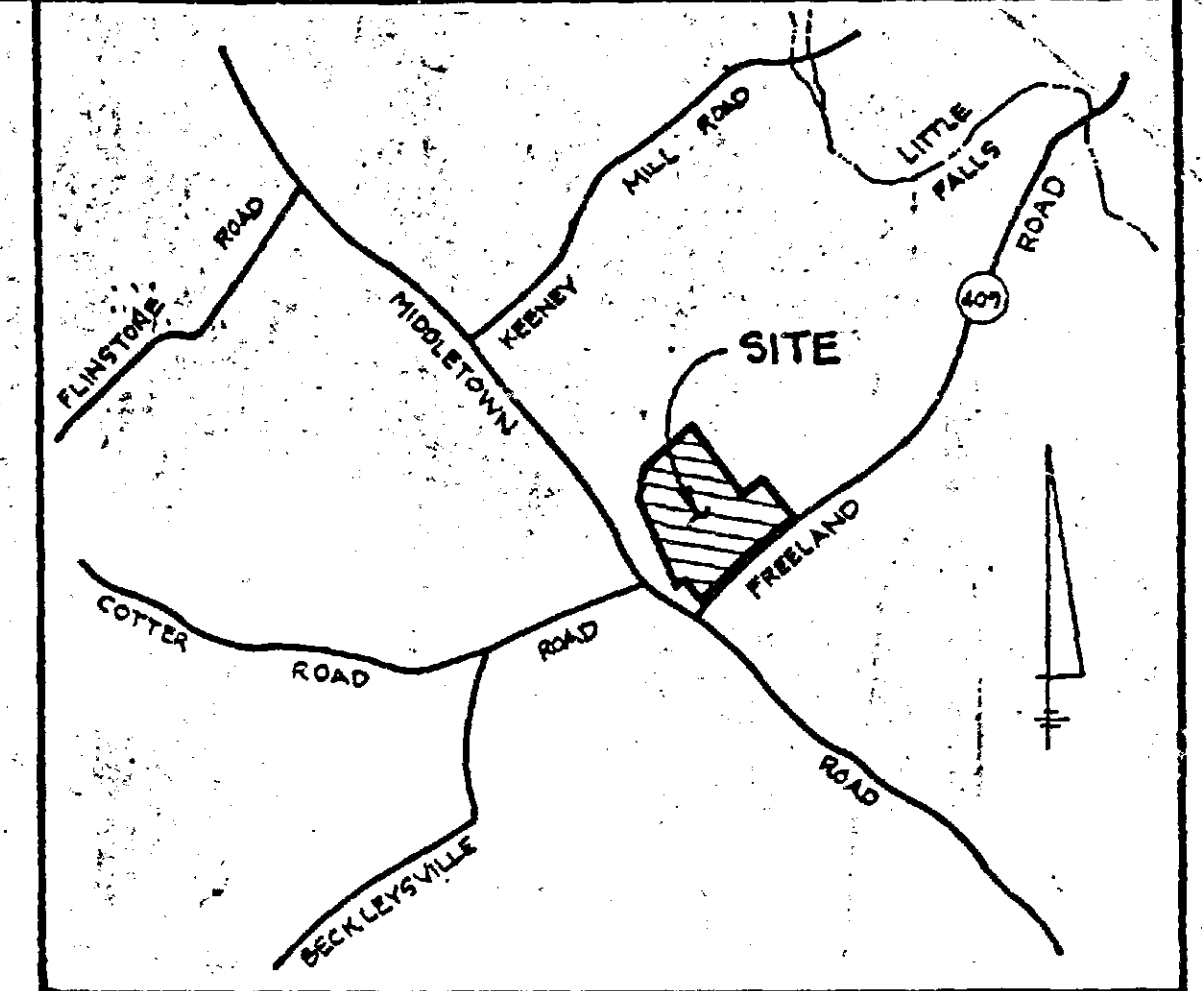
JAMES W. MCKEE  
(MD. REG. NO. 3012)

8-14-85  
DATE:

## McKEE & ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

1717 YORK RD.  
LUTHERVILLE, MD. 21053  
(301) 252-5820



VICINITY MAP  
SCALE: 1"=2000'

Filed for record  
Date: SEP 10 1985  
Test:

ENR. R. 53 FOLIO 98

## SECOND AMENDED PLAT OF SECTION ONE - PLAT ONE

LOTS 1, 3 & 5  
PARCEL 'A'

## SPRING VALLEY FARMS

6TH ELECTION DISTRICT BALTIMORE CO., MARYLAND  
SCALE: 1"=100' FEBRUARY 1, 1985

## OWNERS:

LOT 5 - THEODORE J. & LINDA G. FUNK 6250/376  
LOT 2 - GERALD P. & PATRICIA L. CUNNINGHAM 6566/373  
LOT 1 - DAVID J. LAWSON & MANOR LAND ASSOCIATES 5903/331

E PLAT 15.00  
ENR. R. 53  
#76638 C301 R02 14123  
09/10/85



# GENERAL NOTES

- 1) FOR PARCELS: REFUSE COLLECTION, SNOW REMOVAL, & ROADWAY MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE PARCELS & STREET R/W LINE ONLY, & NOT OUT TO THE PARCELS LOT DRIVEWAY.
- 2) THE FORMAL IRREVOCABLE OFFERS HAVE BEEN MADE.
- 3) THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE OR OTHER PUBLIC AREA SHOWN.
- 4) THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-60.
- 5) THE RECORDING OF THIS PLAT DOES NOT GUARANTEE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
- 6) THE INFORMATION SHOWN HEREON MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
- 7) ADDITIONAL INFORMATION CONCERNING THE PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING & ZONING AND THE DEPARTMENT OF PUBLIC WORKS.

## DENSITY NOTE:

- |                                |                |
|--------------------------------|----------------|
| 1. EXISTING ZONING OF PROPERTY | R.C.-2         |
| 2. GROSS AREA OF LOTS          | 16.315 AC.±    |
| 3. NO. OF LOTS PROPOSED        | 4 - PARCEL 'A' |

## CURVE DATA

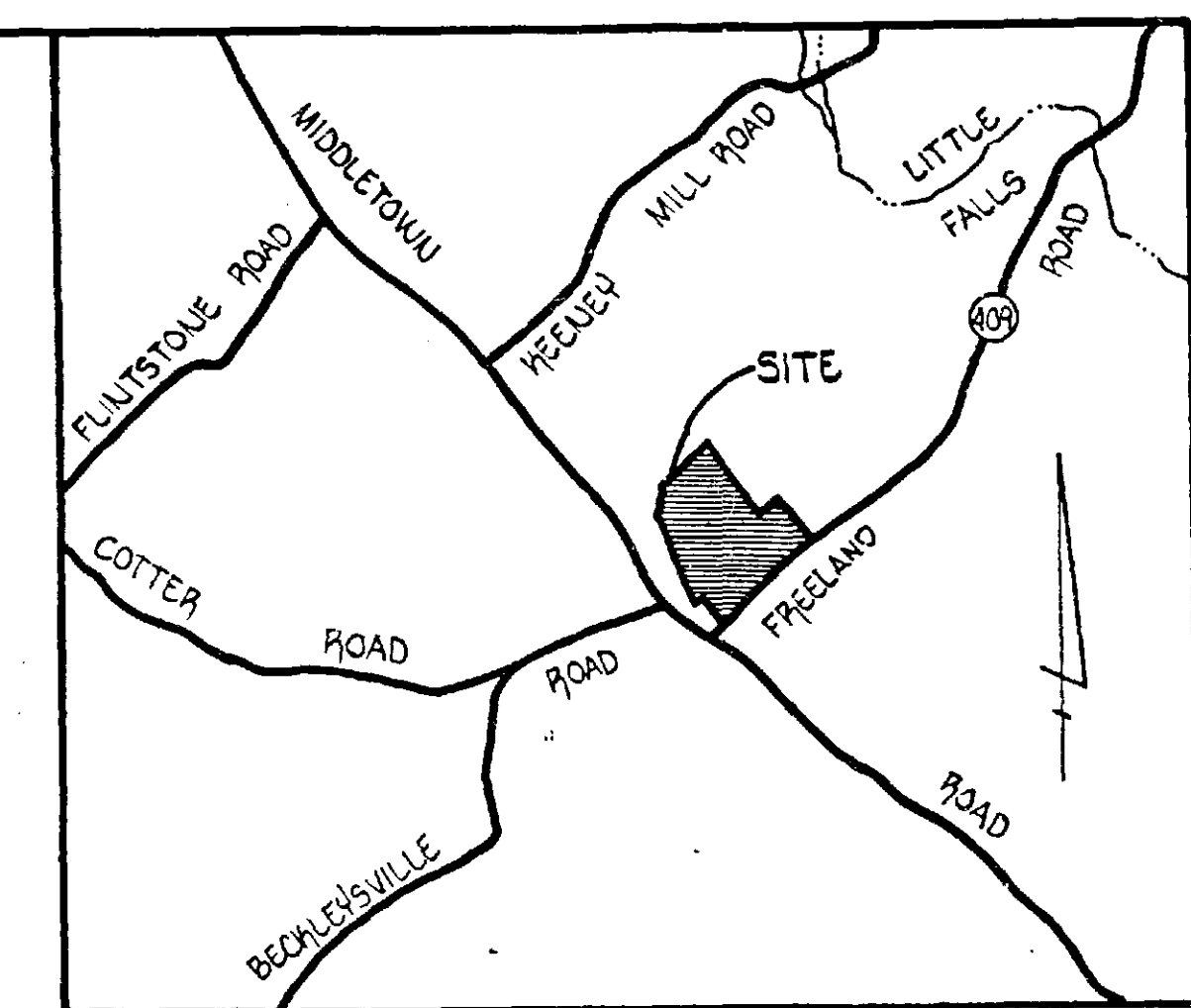
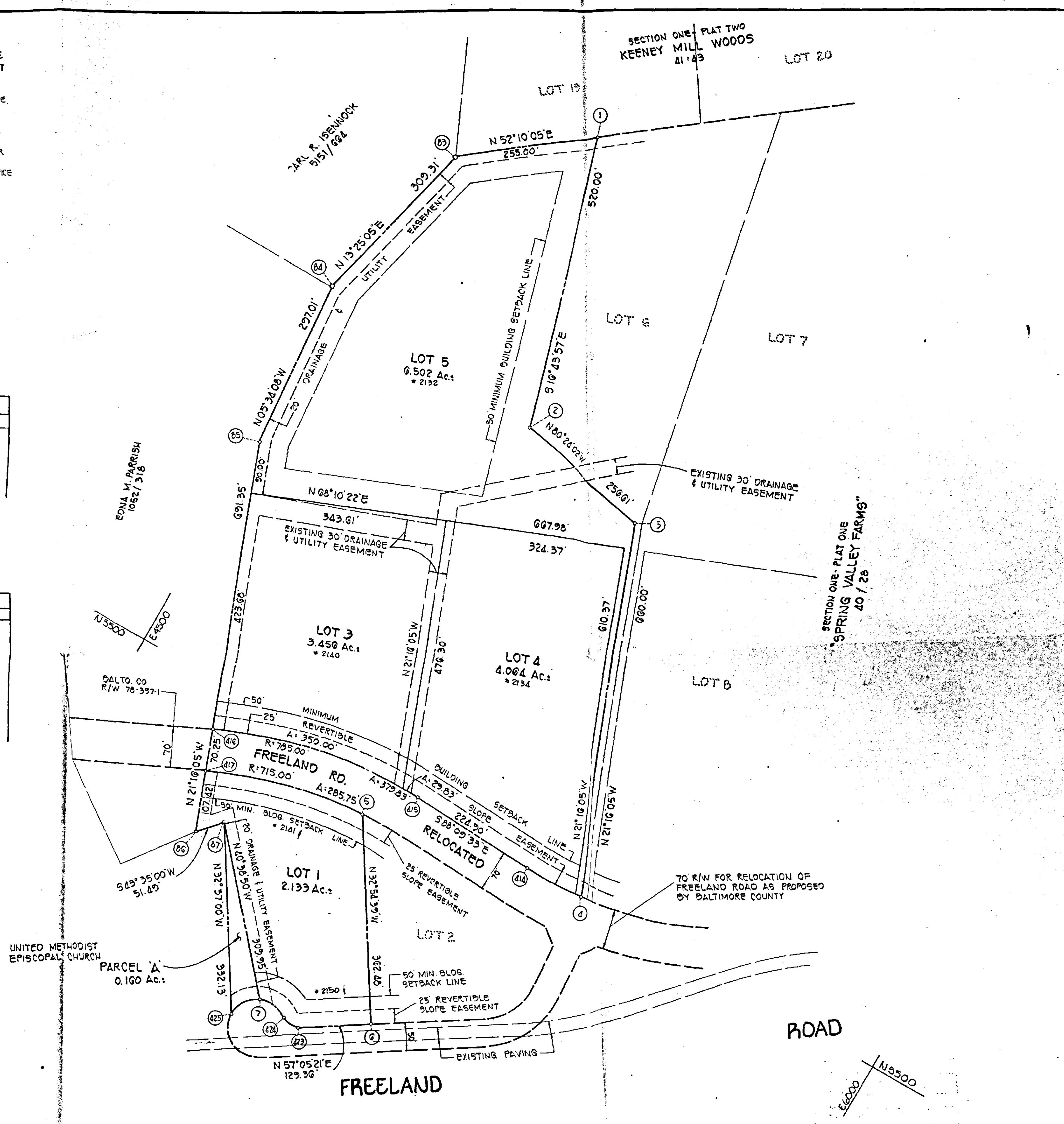
FROM-TO	R	Δ	A	T	CHORD
Δ16-Δ15	785.00'	27°23'24"	379.03	193.71	577°58'45"E 376.14'
Δ17-5	715.00'	22°53'53"	285.75	144.01	N75°06'50"E 208.05'
Δ23-Δ24	25.00'	70°32'09"	30.78	17.00	N87°38'48"W 28.87'
Δ24-7	50.00'	70°13'38"	61.28	35.16	N87°29'53"W 57.52'
7-Δ25	50.00'	60°06'43"	52.45	28.95	S27°09'43"W 50.11'

## COORDINATE TABLE

NO	NORTH	EAST	NO	NORTH	EAST
1	6660.6585	Δ765.5681	Δ24	5063.1313	5060.6705
2	6504.2550	Δ564.1850	Δ23	5061.9453	5095.7132
3	6203.3644	Δ492.4080	6	5132.2293	5204.3107
4	5907.7791	Δ521.2303	5	5436.5334	5007.3650
Δ10	5429.0777	Δ707.5580	Δ15	5507.4143	5075.Δ470
Δ17	5363.6121	Δ733.0329	Δ14	5500.1900	5300.2310
6	5263.5110	Δ772.0335	4	5504.8340	5407.7184
87	5300.8090	Δ807.5011	3	5115.8637	5168.3154
Δ25	5021.0573	Δ958.5248	2	6132.6756	Δ715.2980
7	5065.6410	5009.Δ002			

## REASON FOR FIRST AMENOMENT

TO RELOCATE THE COMMON LINE BETWEEN LOTS 5, 4, & 3 AND TO CREATE PARCEL 'A'.



VICINITY MAP  
SCALE: 1"=2000'

ENR. JR. 49 FOLIO 73

Filed for record  
Date OCT 4 1982  
Test

*[Signature]* Clerk

## FIRST AMENDED PLAT OF SECTION ONE - PLAT ONE LOTS 1, 3, 4, & 5 SPRING VALLEY FARMS

6TH ELECTION DISTRICT  
SCALE: 1"=100'  
BALTIMORE COUNTY, MD.  
JUNE 26, 1981

OWNERS  
LOT 5 - THEODORE J. & LINDA S. FUNK 6650/378  
LOTS 1, 3, 4 - DAVID LAWSON & MAJOR LAND ASSOCIATES  
5903/351

W. A. Completed *None* *OK*  
First Plat *None* *OK*  
Planning *Call 8/17/82*  
Engineering *Call 8/17/82*  
Direct *Call 8/17/82*  
Master *Call 8/17/82*

APPROVED: *[Signature]* BALTIMORE COUNTY PLANNING BOARD  
DATE 8/16/82  
APPROVED: *[Signature]* COUNTY HEALTH OFFICER  
DATE 8/10/82  
APPROVED: *[Signature]* COUNTY ROADS ENGINEER  
DATE 8/12/82

NOTE:  
THE STREETS &/OR ROADS SHOWN HEREON & THE MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY & THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS & ASSIGNS.

NOTE:  
THE COURSES & COORDINATES SHOWN HEREON ARE BASED ON ASSUMED DATUM & REFER TO THE FOLLOWING TRAVERSE STATIONS:

STATION	NORTH	EAST
B-2	5228.9624	5379.7670
B-3	5473.6496	5688.2334

OWNER'S CERTIFICATE

THE REQUIREMENTS OF SECTIONS 72A TO 72D OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1934 EDITION, CHAPTER 1010 OF THE ACTS OF 1943 AS AMENDED BY CHAPTERS 84 & 788 OF THE ACTS OF 1947, & SUBSEQUENT ACTS, IF ANY, AMENDATORY THERETO, SO FAR AS THEY CONCERN THE MAKING OF THE PLAT & SETTING OF MARKERS HAVE BEEN COMPLIED WITH:

OWNER OF LOT 5  
*[Signature]*  
DATE 8-9-81

OWNER (LOTS 1, 3, 4)  
*[Signature]*  
DATE 8-9-81

SURVEYOR'S CERTIFICATE

I, JAMES W. MCKEE, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN LAID OUT & THE PLAT THEREOF PREPARED IN ACCORDANCE WITH SECTIONS 72A TO 72E INCLUSIVE OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1934 EDITION, AS ENACTED OR AMENDED BY THE ACTS OF 1943 & 1947 & SUBSEQUENT ACTS, IF ANY, AMENDATORY THERETO.

JAMES W. MCKEE MD. REG#4012  
DATE 8/16/82



MCKEE, DUVAL & ASSOCIATES, INC.  
CIVIL ENGINEERS & LAND SURVEYORS  
1717 YORK ROAD - LAN LEA BUILDING  
LUTHERVILLE, MARYLAND 21093



CIRCUIT COURT FOR BALTIMORE COUNTY  
CIVIL GENERAL

DOCKET 82 PAGE 143 CASE NO. 90CG2543 CATEGORY APPEAL

IN THE MATTER OF  
THE APPLICATION OF  
PAUL SHRIVER, ET UX.  
FOR A SPECIAL EXCEPTION  
AND VARIANCE ON  
PROPERTY LOCATED ON  
THE EAST SIDE  
SHEFFIELD ROAD, 265' +/-  
NORTH OF THE CENTER LINE  
OF CHURCH ROAD (7105  
SHEFFIELD ROAD), 8TH ELECTION  
DISTRICT  
4TH COUNCILMANIC DISTRICT

ATTORNEYS  
J. Shawn Alcares  
Jensen, Morrow & Bassani, P.A.  
Suite 606  
22 West Pennsylvania Avenue  
Towson, MD 21204 338-7313  
(Atty. for Protestants)  
S. Eric DiNenna  
DiNenna, Mann & Breschi  
629 Washington Ave., Ste 600 (4)  
296-6820  
Petitioners/Appellees

ROBERT and CHARLOTTE SMITH, Protestants

- 11) June 25, 1990 - Protestants Notice of Appeal from the Opinion and Order of the County Board of Appeals of Baltimore County, Md.
- 12) June 26, 1990 - Certificate of Notice, fd.
- 13) July 5, 1990 - Protestants and Appellants' Petition on Appeal, fd.
- 14) July 6, 1990 - App of S. Eric DiNenna for the Petitioners/Appellee's Motion to Dismiss Appeal, Memorandum, Request for Hearing and Exhibits fd.
- 15) July 16, 1990 - Line entering Robert and Charlotte Smith as Protestants and Appellants fd.
- 16) July 16, 1990 - App of J. Shawn Alcares for the Protestants, ROBERT and CHARLOTTE SMITH and Same Day Response to Motion to Dismiss fd.
- 17) July 24, 1990 - Transcript of Record, fd.
- 18) July 24, 1990 - Notice of filing of record, fd.
- 19) Aug. 6, 1990 - Plaintiff's Response to Line fd.
- 20) Aug. 10, 1990 - Protestants and Appellants Motion to Strike and Supplemental Response to Motion to Dismiss w/ Memorandum fd.
- 21) Aug. 17, 1990 - Appellants Memorandum fd.
- 22) Sept. 17, 1990 - Appellee's memorandum, fd.
- 23) Sept. 20, 1990 - Appellants' Reply to Memorandum, fd.

COSTS  
FILED  
CLERK  
10.00  
POST  
2.00  
TOTAL  
12.00  
RECEIVED  
SEP 20 1990  
CLERK

MICROFILMED

82 143 90CG2543

CASE NO. 90CG2543 November 07, 1990 Hon. Robert E. Cahill, Sr. Hearing had.

Petitioners/Appellees Motion to Dismiss (paper no.4) - Denied. Order to be filed.

- 14) Nov. 15, 1990 - Appellees' Notice in Banc Review fd.
- 15) Nov. 27, 1990 - Plaintiff's ROBERT & CHARLOTTE SMITH, Motion to Dismiss with Memorandum, fd.
- 16) Dec. 5, 1990 - Pet/Appellant's PAUL SHRIVER & MARGERY SHRIVER, Response to Motion to Dismiss, Memorandum, fd.
- 17) Dec. 7, 1990 - Appellee's Memorandum of Paul Shriver, et ux., Petitioners/Defts on in Banc Review fd.
- 18) Dec. 17, 1990 - Plaintiff's Motion to Strike and Motion to Dismiss fd.
- 19) Dec. 24, 1990 - Petitioners/Defts' Response to Motion to strike and Motion to Dismiss, fd.
- 20) Jan. 3, 1991 - Pet. oners/Defts' Reply Memorandum to Response to Motion to Strike and Motion to Dismiss fd.
- 21) Jan. 8, 1991 - Transcript and Order of court remanding case to Board of Appeals, fd (REC,SR)
- 22) Jan. 16, 1991 - 4 Copies of the Order and Opinion of the Honorable Robert E. Cahill, Sr. for the Purposes of Review in Banc fd.
- 23) Jan. 23, 1991 - Plaintiff/Appellee's ROBERT and CHARLOTTE SMITH Supplemental Memorandum in Support of Motion to Dismiss fd.
- 24) Jan. 24, 1991 - Order of court that the HONORABLE EDWARD A. DEWATERS, JR. the Honorable J. William Hinkel and the Honorable Barbara K. Howe are designated to sit as a Court in Banc to review the issues reserved pursuant to the MD constitution and MD Rule 2-51 in the above case. And Order of Court that the Judge Howe be and she is hereby appointed chairperson of said Court in Banc, fd. (BMD, JR)
- February 6, 1991 Hon. Edward A. DeWaters, Jr., J. William Hinkel, & Barbara K. Howe hearing had. Smith's motion to strike and dismiss paper #13 ruling held sub curia pending written opinion.
- 25) April 12, 1991 - In Banc Review, Memorandum Opinion & Order of Court that the decision of the Circuit Court for Baltimore County dated Nov. 7, 1990 and the Order of said Court dated Jan. 8, 1991 reversing the decision of the County Board of Appeals and remanding the case to the County Board of Appeals is hereby REVERSED fd.(BKH, EAD & J)

4/12/91 - Circuit Court sitting REVERSING original Circuit Court AND to G.B.A. (Howe, Dewaters & Hinkel)

IN THE MATTER OF THE APPLICATION OF PAUL SHRIVER, ET UX. FOR A SPECIAL EXCEPTION AND VARIANCE ON PROPERTY LOCATED ON THE EAST SIDE SHEFFIELD ROAD, 265' +/- NORTH OF THE CENTER LINE OF CHURCH ROAD (7105 SHEFFIELD ROAD), 8TH ELECTION DISTRICT, 4TH COUNCILMANIC DISTRICT

Case No. 90 CG 2543

IN BANC REVIEW  
MEMORANDUM OPINION AND ORDER

In this in banc review, we are called upon to interpret Section 603 of the Baltimore County Code to ascertain the extent to which the County Board of Appeals shall conduct a de novo hearing on an appeal from a decision of the county zoning commissioner.

The pertinent facts of this case are not in dispute. After a complaint against them was filed with the Baltimore County Office of Zoning and Planning, the Appellants (Paul and Margery Shriver) filed an application with said zoning office for a special exception to permit the operation of a "dog kennel" on their property located at 7105 Sheffield Road, Baltimore, Maryland 21212. In addition, Appellants requested variances for certain front, side and rear yard set-backs. These requests were precipitated by Appellant Margery Shriver's hobby for breeding and showing Pug dogs, a hobby she claimed to have professionally pursued for the past twenty-six years.

A hearing on Appellants' petition was conducted before Baltimore County Zoning Commissioner J. Robert Haines on March

FILED APR 12 1991

MICROFILMED

17, 1989. Appellants appeared and testified, accompanied by twenty-two neighboring landowners who supported their petition. Appellees (fifteen area residents vehemently opposed to the granting of said special exception and variances) also appeared to testify before Commissioner Haines.

Finding that the requirements of Section 502 of the Baltimore County Zoning Regulations had been successfully met by the Appellants, Commissioner Haines granted the special exception with certain restrictions, as well as the requested variances. In his Findings of Facts and Conclusions of Law, Commissioner Haines imposed six restrictions, only two of which are pertinent in this in banc review. These two restrictions, numbers two and four, state as follows:

- 2) The special exception granted herein is limited to a private, non-commercial dog kennel for Petitioner, only, and is further limited to five (5) Pug dogs and one (1) household pet which is not a Pug dog.
- 4) There shall be no outdoor pens established for the dogs. There shall be no more than three (3) dogs permitted to be outside at any one time.

In an Amended Order dated September 13, 1989, Commissioner Haines deleted restriction number four and amended restriction number two to read as follows:

- 2) The special exception granted herein is limited to a private, non-commercial dog kennel for Petitioners, only, and is further limited to five (5) Pug dogs and one (1) household pet which is not a Pug dog. Petitioners shall have until January 1, 1991 to reduce the Pug dog population to the five (5) permitted.

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On October 2, 1989, Appellants filed an appeal to the County Board of Appeals. The Order of Appeal stated as follows:

ORDER OF APPEAL

Mr. Commissioner:

Please enter an appeal to the County Board of Appeals from the restrictions contained in the Opinion and Order dated August 31, 1989 and as amended on September 13, 1989, as follows: Restriction Number 2 and Restriction Number 4, only.

This appeal is being entered on behalf of Paul and Margery Shriver, 7105 Sheffield Road, Baltimore, Maryland, 21212.

(Signatures and a Certificate of Service followed)

A hearing was held before the County Board of Appeals on May 8, 1990. At the beginning of this hearing, counsel for the Appellants (Eric DiNenna, Esq.) made it known to the Board that the appeal before it was not from the granting of the special exception or the variance. DiNenna stated that the only issue before the Board was the reasonableness of restriction numbers two and four. Counsel for the Appellees (J. Shawn Alcares, Esq.), in opposition, asserted that the Appellants could not restrict their appeal to just two restrictions stating that procedurally, the Appellants had to appeal the entire decision. After considering both arguments, the Board ruled that the matter before it was restricted to the issue specified in the Appellants' appeal; namely, the reasonableness of restrictions numbers two and four.

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In its Opinion, the County Board of Appeals held restriction numbers two and four to be unreasonable and accordingly, vacated the restrictions. Consequently, the Board imposed the following restrictions:

1. All other restrictions and rulings in the above-captioned decision by the Zoning Commissioner shall stand.
2. The special exception granted is limited to a private, non-commercial dog kennel for Petitioners, only, and is further limited to ten (10) adult (above the age of 6 months) Pug dogs and one (1) household pet which is not a Pug dog.
3. There shall be no outdoor pens established for the dogs. There shall be no more than six (6) dogs permitted to be outside at any one time.
4. The dogs will be permitted outside only between the hours of 7:00 a.m. and 11:00 p.m., and will be accompanied by Appellants or an adult agent of Appellants while outside.

Aggrieved by the decision of the County Board of Appeals, Appellees herein filed an appeal to the Circuit Court for Baltimore County. A hearing on the appeal was conducted before the Honorable Robert E. Cahill, Sr. on November 7, 1990. Counsel for the Appellees herein argued that the County Board of Appeals erred by restricting the issues at the hearing to the two restrictions. They argued that Section 603 of the Baltimore County Code requires that a hearing on all appeals from the Zoning Commissioner shall be heard de novo.

Counsel for the Appellants herein argued that Section 603 only requires a de novo hearing on the issues properly

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before the Board and that he specifically limited the issues before the Board to the reasonableness of restriction numbers two and four. He argued that had the Appellees wished to place the issues of the granting of the special exception and the variance before the Board, it was incumbent upon the Appellees to file a cross-appeal so as to properly place said issues before the Board.

In asserting their respective arguments, counsel for both sides relied heavily on *Boehm v. Anne Arundel County*, 54 Md.App. 497, 459 A.2d 590 (1982), cert. denied, 297 Md. 108 (1983). After hearing and considering both arguments, the Honorable Robert E. Cahill, Sr. reversed the decision of the County Board of Appeals and remanded the case to the Board for further proceedings. Judge Cahill's written decision and order remanding the case was filed on January 8, 1991.

Appellants filed their Notice for In Banc Review on November 15, 1990, eight days after Judge Cahill's oral decision. On November 27, 1990, Appellees filed a Motion to Dismiss the Notice for In Banc Review alleging that the Appellants failed to timely preserve the matter for in banc review. On December 7, 1990 (ten days after filing their notice), Appellants filed their Memorandum in support required under Md. Rule 2-551 (c). On December 17, 1990, Appellees filed a Motion to Strike the Memorandum for Appellants' alleged failure to submit the required four copies of the memorandum and their failure to properly state the questions to be decided by the court sitting as an in banc review panel. This panel

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heard oral arguments on February 6, 1991 and held its rulings on the issue presented and the motions sub curia.

Before addressing the outstanding motions and the issue presented, some discussion of the scope of an in banc review is appropriate. The in banc review (an appeal to three judges of the circuit court sitting in banc) was first established in 1867 with the enactment of Article VI, Section 22 of the Maryland Constitution as an alternative method of appeal. Commonly referred to as the "poor person's appeal", an in banc review provides an avenue of appeal for those aggrieved persons who are discouraged by the time, distance, and cost involved with filing an appeal to the Court of Special Appeals and the Court of Appeals. A proceeding before a court in banc tends to be more informal than the other methods of appellate review; the case is usually submitted on the record without filing formal briefs or record extracts as is necessitated in the Court of Appeals and the Court of Special Appeals. See *Washabaugh v. Washabaugh*, 285 Md. 393, 404 A.2d 1027 (1987).

Pursuant to Article VI, Section 22, an in banc court is established as a separate appellate tribunal, and not merely as an arm of the trial court for purposes of reconsideration. See *Montgomery County v. McNessee*, 311 Md. 194, 533 A.2d 671 (1987); *Washabaugh v. Washabaugh*, 285 Md. 393, 404 A.2d 1027 (1987); *Estep v. Estep*, 285 Md. 416, 404 A.2d 1040 (1978). Once a determination is made by the court in banc, its decision is conclusive, final, and non-appealable by the party who sought the in banc review. See *Euck v. Folkers*, 269 Md.

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County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

June 26, 1990

S. Eric DiNenna, Esquire  
DiNenna, Mann & Breschi  
P.O. Box 10508  
Towson, Maryland 21285-0508

Re: Case No. 89-361-XA (Paul Shriver, et ux)

Dear Mr. DiNenna:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

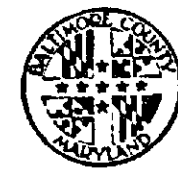
Very truly yours,

*Linda Lee M. Kuzmaul*  
Linda Lee M. Kuzmaul  
Legal Secretary

Enclosure

cc: Mr. and Mrs. Paul Shriver  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney

MICROFILMED



County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

June 26, 1990

J. Shawn Alcares, Esquire  
Jensen, Morrow & Hassani, P.A.  
22 W. Pennsylvania Avenue  
Suite 606  
Towson, Maryland 21204

Re: Case No. 89-361-XA (Paul Shriver, et ux)

Dear Mr. Alcares:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, the cost incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

*Linda Lee M. Kuzmaul*  
Linda Lee M. Kuzmaul  
Legal Secretary

Enclosure

cc: Mr. and Mrs. Robert Smith, et al

MICROFILMED

IN RE: PETITIONS FOR SPECIAL \*  
EXCEPTION AND VARIANCE \*  
E/S Sheffield Road, \*  
265' +/- N of the c/l \*  
of Chumleigh Road \*  
(7105 Sheffield Road) \*  
8th Election District \*  
Paul Shriver, et ux \*  
Petitioners \*  
Case No.: 89-361-XA \*  
\* \* \* \* \*

BEFORE THE  
COUNTY BOARD OF APPEALS  
FOR  
BALTIMORE COUNTY

ORDER OF APPEAL

Mr. Commissioner:

Please enter an appeal to the County Board of Appeals from the restrictions contained in the Opinion and Order dated August 31, 1989 and as amended on September 3, 1989, as follows: Restriction Number 2 and Restriction Number 4, only.

This appeal is being entered on behalf of Paul and Margery Shriver, 7105 Sheffield Road, Baltimore, Maryland 21212.

*S. ERIC DINENNA*  
S. ERIC DINENNA  
DINENNA, MANN & BRESCHI  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204  
(301) 296-6820  
Attorneys for Petitioners,  
Paul Shriver, et ux.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of *October*, 1989, a copy of the foregoing Order of Appeal was mailed, postage prepaid to J. Shawn Alcares, Esquire, 207 E. Redwood Street, Baltimore, Maryland 21202 and to People's Counsel for Baltimore County, Courthouse, Towson, Maryland 21204.

*S. ERIC DINENNA*  
S. ERIC DINENNA

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S. ERIC DINENNA, P.A.  
JAMES L. MANN, JR., P.A.  
GEORGE A. BRESCHI, P.A.

RECEIVED MANN & BRESCHI

OCT 2 1989

ZONING OFFICE

October 2, 1989

Zoning Commissioner for  
Baltimore County  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Case No.: 89-361-XA  
Petitioners: Paul Shriver, et ux  
My File No.: 88-78

Dear Mr. Commissioner:

Enclosed herewith please find the Appeal from certain restrictions entered by you as per the above-captioned matter.

Very truly yours,

*S. ERIC DINENNA*  
S. ERIC DINENNA

SEDbk  
Enclosure  
cc: J. Shawn Alcares, Esquire  
People's Counsel  
Mr. and Mrs. Paul Shriver

MICROFILMED

IN THE MATTER OF : BEFORE THE  
THE APPLICATION OF : COUNTY BOARD OF APPEALS  
PAUL SHRIVER, ET UX  
FOR A SPECIAL EXCEPTION AND VARIANCE :  
ON PROPERTY LOCATED ON THE EAST SIDE :  
SHEFFIELD ROAD, 265' +/- NORTH OF :  
THE CENTRALLINE OF CHUMLEIGH ROAD :  
(7105 SHEFFIELD ROAD) : BALTIMORE COUNTY  
8th ELECTION DISTRICT :  
4th COUNCILMANIC DISTRICT : CASE NO. 89-361-XA

OPINION

This case comes before the Board on an appeal from a decision of the Zoning Commissioner dated August 31, 1989, granting Appellants' Petition with restrictions, and a subsequent Amended Order, dated September 13, 1989. Appellants were represented by S. Eric DiNenna, Esquire; Protestants were represented by J. Shawn Alcares, Esquire. The case was heard this day in its entirety.

In opening, Mr. DiNenna restricted Appellants' case to appeals of the Zoning Commissioner's restrictions designated #2 (as amended) and #4 in his Opinion and Order. Mr. Alcares argued that his clients, the Stoneleigh Community Association, opposed both the granting of the special exception for a "hobby kennel" and the variances granted by the Zoning Commissioner. The Board ruled that the matter before it is restricted to issues specified in the Petitioner's appeal.

Margaret Shriver, 7105 Sheffield Road, testified that she and her family had resided at the subject site for more than 30 years and that she had been breeding purebred Pug dogs there for 29 years. The animals are raised for show and sale purposes; there are 12 to 17 dogs on the subject site at any given time. She further testified that the dogs are kept indoors and let out into the back yard for exercise and to relieve themselves. Mrs. Shriver further testified that she accompanies the dogs when they are out of doors and that she cleans the yard immediately after each outing. In addition, Mrs. Shriver told the

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Case No. 89-361-XA  
Paul Shriver, et ux

2.

Board that the raising of her dogs was a personal hobby, not a commercial venture, and that she had received no complaints related to this activity until early 1989.

Mrs. Shriver is appealing the Zoning Commissioner's Restriction #2 on the basis that his ordered reduction of the number of Pug dogs permitted on the site to 5 would severely reduce, if not totally cripple, the quality of her breeding program which is the keystone of her hobby. On Restriction #4, Mrs. Shriver testified that the limitation of three dogs permitted outside at one time was unreasonable, as the dogs are quite small, are always accompanied when outdoors, and she cleans the yard immediately after each outdoor session. No grooming or boarding of dogs takes place on site and there are no outdoor runs now constructed or planned.

Dr. Thomas E. Sooy, a veterinarian and professional dog breeder, testified on behalf of the Appellants. Dr. Sooy affirmed that Restriction #2 (the reduction to five Pug dogs on site) would, indeed, destroy the integrity of Mrs. Shriver's breeding program. As a veterinarian, he also opined that Mrs. Shriver's Pug dogs presented no threat to the health, safety or general welfare of the Stoneleigh community.

Mrs. Terry Weller of 7113 Sheffield Road testified on behalf of the Appellants. Mrs. Weller supports the testimony of Mrs. Shriver and, as a neighbor of 10 years' standing, has no complaints about the Shriver's hobby kennel. She told the Board that she feels Mrs. Shriver has the environment totally under control through her maintenance work and the stockade fence constructed around the back yard.

Mr. Edward Sybert, 7107 Sheffield Road, testified that he has known the Shriver's since they moved into the Stoneleigh community. He supports their appeal.

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Case No. 89-361-XA  
Paul Shriver, et ux

3.

Mr. Oscar L. Moritz, 7103 Sheffield Road, also testified on behalf of the Appellants. As their next-door neighbor for 31 years, he has no objection to the Shriver's continuing their current practices.

Dr. Robert Smith, 7104 Oxford Road, initiated testimony on behalf of the Protestants. Dr. Smith testified that his children's sleep is disturbed by the Shriver's dogs and that odors emanating from the Shriver's yard directly behind his property force his family to keep their windows closed at all times. He further testified that he is convinced that Mrs. Shriver's breeding operation is that of a commercial kennel and not an appropriate use for residential land.

Charlotte Smith, 7104 Oxford Road (Dr. Smith's wife) testified that five to eight Pug dogs are let out in the Shriver's yard about three times each day. She told the Board that the dogs are not always accompanied and that their barking disturbs her family's sleep and telephone conversations from time to time. She has seen, on one occasion, a rat in the Shriver's yard and notices odors from the property both outside and inside her own home. Mrs. Smith told the Board that the Shriver's stockade fence does not restrict the noise or odor caused by the dogs.

Mr. Ennis Quigley, 7110 Oxford Road, testified that he was aware of "a lot of dogs" on the Shriver's property because he has heard "loud barking."

Robert Slingluff, 7006 Bristol Road, added his belief that the Shriver's are operating a "kennel business" not appropriate to a residential area.

Sharon Walker, president of the Stoneleigh Community Association, and a resident for 12 years, testified for the Protestants. Representing the organization, Ms. Walker related its concern for maintaining the residential integrity of the community and its opposition to "any special exceptions." As an individual she has the same concerns.

MICROFILMED

Case No. 89-361-XA  
Paul Shriver, et ux

4.

The Board, in restricting its considerations to arguments on the restrictions appealed by Mrs. Shriver, makes no comment on the granting of the special exception or other restrictions imposed in the Zoning Commissioner's decision and Order. It takes note that according to testimony offered Mrs. Shriver has been conducting the breeding operation in her home for 29 years without prior legal action by any individual or group.

On Restriction #2 amended ("The special exception granted herein is limited to a private, non-commercial dog kennel for Petitioners, only, and is further limited to five (5) Pug dogs and one (1) household pet dog which is not a Pug dog. Petitioners shall have until January 1, 1991 to reduce the Pug dog population to the five (5) permitted."), the Board feels this restriction is unreasonable. It would severely restrict, if not end, Mrs. Shriver's long-standing hobby, and would create an unreasonable burden on her. The Board will so order.

On Restriction #4 ("There shall be no outdoor pens established for the dogs. There shall be no more than three (3) dogs permitted to be outside at any one time."), the Board also finds the second portion of this restriction imposes unreasonable hardship on the Appellant, and will so order.

ORDER

It is therefore this 25th day of May, 1990 by the County Board of Appeals of Baltimore County ORDERED that restrictions imposed by the Zoning Commissioner in his Opinion and Order of August 31, 1989, amended -- specifically Restrictions #2 and #4 -- be and the same are VACATED. The following restrictions are hereby imposed on the Appellants:

1. All other restrictions and rulings in the above-captioned decision by the Zoning Commissioner shall stand.

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Case No. 89-361-XA  
Paul Shriver, et ux

- The special exception granted is limited to a private, non-commercial dog kennel for Petitioners, only, and is further limited to ten (10) adult (above the age of 6 months) Pug dogs and one (1) household pet which is not a Pug dog.
- There shall be no outdoor pens established for the dogs. There shall be no more than six (6) dogs permitted to be outside at any one time.
- The dogs will be permitted outside only between the hours of 7:00 a.m. and 11:00 p.m., and will be accompanied by Appellants or an adult agent of Appellants while outside.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*Arnold G. Forgyman*  
Arnold G. Forgyman, Acting Chairman

*Lynn B. Moreland*  
Lynn B. Moreland

*Harry E. Buchmeister, Jr.*  
Harry E. Buchmeister, Jr.

MICROFILMED

DiNENNA, MANN & BRESCHI  
ATTORNEYS AT LAW

S. ERIC DiNENNA, PA.  
JAMES L. MANN, JR., PA.  
GEORGE A. BRESCHI, PA.

SUITE 606  
MERCANTILE TOWSON BUILDING  
409 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(301) 296-6820  
TELEFAX (301) 296-6884

April 25, 1989

Zoning Commissioner for  
Baltimore County  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Shriver/Petitioner  
Case No.: 89-361XA

Dear Mr. Commissioner:

As per your request, enclosed herewith please find the Memorandum of Law.

Thank you for your cooperation.

Very truly yours,

*S. Eric DiNenna*  
S. ERIC DiNENNA

SED:cjc  
Enclosure  
cc: Mr. and Mrs. Paul Shriver  
J. Shawn Alcaresse, Esquire

RECEIVED  
APR 25 1989

ZONING OFFICE

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - E/S Sheffield Road, 265' +/- N of the c/l of Chumleigh Road (7105 Sheffield Road) 8th Election District 4th Councilmanic District

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-361-XA

Paul Shriver, et ux  
Petitioners

AMENDED ORDER

WHEREAS, the Petitioners requested a special exception for a dog kennel on the subject property and variances in accordance with the plan submitted and identified as Petitioner's Exhibit 1;

WHEREAS, by Order dated August 31, 1989, the relief requested was granted, subject to restrictions;

WHEREAS, Restriction Nos. 2 and 6 were somewhat confusing and required clarification;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of September, 1989 that the Order issued August 31, 1989 be and the same is hereby AMENDED to delete Restriction No. 6; and,

IT IS FURTHER ORDERED that Restriction No. 2 of said Order be and the same is hereby modified to read as follows:

2) The special exception granted herein is limited to a private, non-commercial dog kennel for Petitioners, only, and is further limited to five (5) Pug dogs and one (1) household pet dog which is not a Pug dog. Petitioners shall have until January 1, 1991 to reduce the Pug dog population to the five (5) permitted.

JRH:bjs  
cc: S. Eric DiNenna, Esquire  
J. Shawn Alcaresse, Esquire  
All Protestants  
People's Counsel; File

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

MICROFILMED

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - E/S Sheffield Road, 265' +/- N of the c/l of Chumleigh Road (7105 Sheffield Road) 8th Election District 4th Councilmanic District

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-361-XA

Paul Shriver, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception to permit a dog kennel on the subject property and variances to permit a front yard setback of 29 feet; side yard setbacks of 6 feet and 13 feet; and a rear yard setback of 73 feet, all in lieu of the required 200 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Paul Shriver, appeared, testified, and were represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petitioners were: Oscar Moritz, Jr., Terry Shriver, Rebecca Tensil, Ralph and Charlotte Peters, Jeanne Ward, Edward Sybert, Kathleen Bates, Beth Spedalere, Theresa Weller, and William and Sandra Fastie, all immediately adjoining neighbors and property owners. The following individuals appeared as Protestants in the matter and were represented by J. Shawn Alcaresse, Esquire: Shelley, Robert, Charlotte, Jay and Robin Smith; Beverly Brandon, Barry Miller, Eugenie Foster, Wendy Frank, Chessy Spence, Ann Hickman, Olivia J. Caraluzzi, A. S. Boccuto, Carolyn Whittington, and Marjorie Pilachowski, all residents of the area.

Due to the number of persons appearing on both sides at the first hearing and the time constraints of the docket for that day, the hearing was continued to March 17, 1989 to provide adequate time for both sides to present their case.

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Date 9/13/89  
By *Eric DiNenna*

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At the hearing held on March 17, 1989, the following additional residents appeared as Protestants: Maynard Harp, Charles Whittington, Ann Schaufele, Sharon McIntire, Robert and Deborah Slingluff, Jim Wiedefeld, Dr., Barry Miller, and Douglas and Mary Parvis.

Testimony indicated that the subject property, known as 7105 Sheffield Road, consists of 8,775 sq.ft. zoned D.R. 5.5, and is improved with a two-story single family dwelling which was purchased by Petitioners in 1959. Testimony indicated that some time thereafter, Mrs. Shriver developed a hobby for breeding and showing Pug dogs and has professionally pursued this hobby for the past 28 years. As a result of a complaint filed with the Zoning Office, Petitioners were advised to file the instant Petitions to obtain permission to continue breeding Pug show dogs on the subject property.

Testimony indicated that there are generally approximately 9 to 12 dogs on the subject property. Said dogs are housed within the family dwelling and are let out periodically in the rear of the property, but not all dogs at one time. Mrs. Shriver testified that no other dogs are boarded or kennelled on the premises and that no traffic is generated from her use of the property as a kennel. She testified she has no commercial vehicles but has a van which she uses to transport her dogs to various shows throughout the state.

Many residents of the area, including the Shriver's two immediately adjoining neighbors on either side of the subject property, and neighbors across the street and on the same block as Petitioners' property, testified in favor of the relief requested in the special exception. Testimony indicated that in their opinion, these dogs were not a nuisance and the Petitioners' use of the property as a kennel has not created any

detriment to the health, safety or general welfare of the community. Several letters from area residents were submitted evidencing their support of Petitioners' request.

The Protestants are generally opposed to the use of the subject property as a kennel. The Protestants testified they believe that as a result of such use of the property, rats have been attracted to the area, and in fact, one has been observed tunneling into the Petitioners' rear yard. Dr. Smith, the abutting rear yard property owner, testified to the threat of disease and/or injury that the presence of dog feces and rats present. Dr. Smith further testified that the noise and odor generated by the dogs has resulted in his family being precluded from socializing outdoors on at least three occasions.

The parties have spent a great deal of energy arguing the proper legal standard to be applied to this special exception. The Petitioners contend that the appropriate standard to be used in determining whether a requested special exception use has an adverse affect and, therefore, should be denied is whether there are facts and circumstances which show that the particular use proposed at the particular location proposed would have any adverse affects above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1. The Baltimore County Council has determined that a kennel is permitted in a D.R. 5.5 zone unless it is shown that such use at a particular location would adversely affect the surrounding uses. Petitioners further contend that the use of the subject property as a kennel has been successful for the past 28 years without a complaint nor any problems. They therefore believe the kennel's continuous

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By *Eric DiNenna*

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operation meets the special exception requirements and that there is no violation of Section 502.1 of the B.C.Z.R.

The Protestants argue that the B.C.Z.R. recognizes there are some uses of property that "...are inherently so objectionable as to make extra regulations and controls advisable..." Petitioners' requested use of their property as a dog kennel is one of the uses recognized as being inherently so objectionable. According to Section 1802.1 of the B.C.Z.R., dog kennels are permitted as of right only in D.R. 1 zones, by special exception in D.R. 2, D.R. 3.5 and D.R. 5.5 zones, and are prohibited entirely in D.R. 10.5 and D.R. 16 zones. Regardless of permitted uses in residential areas, according to Section 421.1 "...No part of any such use shall be located within 200 feet of the nearest property line." Clearly the 200-foot setback was mandated because of the recognized inherently objectionable characteristics and nature of a dog kennel operation.

Further, the Protestants argue that Section 502.1 requires that the Zoning Commissioner make a factual finding that the use for which a special exception is sought not be detrimental to the health, safety, or general welfare of the locality involved. The Protestants contend that to grant the petitions requested, specific reasons and bases must be cited to support a finding that Petitioners' use will not be detrimental to the health, safety and general welfare of the locality. Kennerly v. Baltimore City, 247 Md. 601, 607 (1967). The Protestants further contend that, particularly from the evidence presented, no such reasons or bases can be cited because none were presented, nor could they have been. They believe the testimony and evidence clearly demonstrates the noise, smell and attraction to rats are not only offensive to human senses and activities, but are a threat to the health and safety of the area residents

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By *Eric DiNenna*

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because of the real possibility of disease, injury and infection posed by presence of rats and dog feces.

The Protestants' position concerning the relief requested is most clearly stated in the words of their Counsel: "The Petitioners argue that the present zoning prohibition against their dog kennel operation and the 200-foot setback from residential properties presents an unnecessary hardship upon them. The hardship is not peculiar to the property, but rather is claimed to be a hardship to Mrs. Shriver because she wishes to operate her dog kennel from her home. Petitioners admit, all witnesses agree, and it is totally uncontested that the request for a special exception in this instance is solely for Petitioners' convenience and that the circumstances creating the claimed "hardship" are self-created. Special exceptions and variances cannot be granted for the mere convenience to the owner. City of Baltimore v. Polakoff, 233 Md. 1 (1963); Kennerly v. M.C.C., supra; Carney v. City of Baltimore, 201 Md. 130 (1953); Gleason v. Keswick Imp. Ass'n, 197 Md. 46 (1951), nor will they be granted if such difficulties or unnecessary hardships are the result of applicants' own actions. Salisbury Bd. of Zoning Appeals v. Boudge, 240 Md. 547 (1965); Penn Const. Co. v. City of Baltimore, 233 Md. 372 (1964)."

I don't believe this line of case law is controlling for a special exception, pursuant to Sections 502.1 and .2 of the B.C.Z.R. The law in Baltimore County is clearly controlled by the holding found in Schultz v. Pritts, 432 A.2d, 1319 (1987).

The issue in the special exception is whether or not the requirements of Section 502 of the Baltimore County Zoning Regulations (B.C.Z.R.) have been successfully met by the Petitioner. The cases clearly establish that "...the appropriate standard to be used in determining whether a

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Date 9/13/89  
By *Eric DiNenna*

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requested special exception use would have an adverse effect and therefore should be denied, is whether there are facts and circumstances that show the particular use proposed at the particular location would have any adverse effect above and beyond those inherently associated with such a special exception use, irrespective of its location within the zone."

*Schultz v. Pritts*, 291 Md. 1, 432 A.2d 1319 at 1327 (1981).

The Court went on to say in *Schultz* that,

"...the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighborhood area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal." (at page 1325)

The Petitioner must only show to the satisfaction of the Zoning Commissioner that the proposed use would be conducted without real detriment to the community to meet his burden. See, *Turner v. Hammond*, 270 Md. 41, 310 A.2d 543 (1973). When the Petitioner produces credible and probative evidence on all of the specific issues established by Section 502.1, then a special exception should be granted. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the community and would not adversely affect the public good.

There is clearly no requirement that a special exception only be granted when there is a finding of a hardship. Special exception uses are

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conditionally approved uses that are permitted unless there is proof that the use, in this instance, the kennel, will be detrimental to the health, safety or general welfare of the community. I have rarely seen a case involving a special exception use that does not involve the convenience of the Petitioner. Most special exceptions, such as community centers and professional offices in the home, are not established because there is a hardship, but for the convenience of the Petitioner. In fact, there is no evidence in the record to show that the proposed use at the location described in Petitioner's Exhibit 1 has any adverse impact above and beyond that inherently associated with a special exception for a ke. x1, irrespective of its location in Baltimore County within the D.R. 5.5 zone as required by the *Schultz* test.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 5.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In the opinion of the Zoning Commissioner, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The 20-plus year history of the use of the property proves that there has never been a problem in the past. Most of the long-term neighbors have not known of the existence of the dog kennel operation over the years. There is no evidence that this kennel has caused a negative impact as delineated in Section 502. There

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was a discussion of a rat and that the presence of the dogs attracted the rat to the site. This fact, in and of itself, is not the controlling factor in determining the special exception. This problem can and will be addressed by imposing limitations and restrictions upon the kennel use. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality and is consistent with the purposes of the property's zoning classification.

After reviewing all of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested in the Petition for Special Exception should be granted with certain restrictions as more fully described below.

The Petitioners argue that Section 421 of the B.C.Z.R., adopted pursuant to Council Bill No. 85 in 1967, states, in relevant part, that:

"Where an animal boarding place or kennel is allowed in a residential zone, either as a Special Exception or as a permitted use, no part of such use shall be located within 200 feet of the nearest property line..."

may be variances, pursuant to Section 307.1 of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

- 8 -

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- permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petitions for Special Exception and Zoning Variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9/20 day of August, 1989 that the Petition for Special Exception to permit a dog kennel on the subject property and the Petition for Zoning Variance to permit a front yard setback of 29 feet; side yard setbacks of 6 feet and 13 feet; and a rear yard setback of 73 feet, all in lieu of the required 200 feet, as more particularly described in Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners are hereby made aware that proceeding at this time with the continued use of the property as a kennel is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is

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ORDER RECEIVED FOR FILING

Date 9/20/89  
By Robert Haines

ORDER RECEIVED FOR FILING

Date 9/20/89  
By Robert Haines

ORDER RECEIVED FOR FILING

Date 9/20/89  
By Robert Haines

ORDER RECEIVED FOR FILING

Date 9/20/89  
By Robert Haines

### PETITION FOR SPECIAL EXCEPTION

#276

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

89-361-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a Dog (Hobby) Kennel.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s):

(Type or Print Name)

Paul Shriver

Signature

Paul Shriver

Address

Margery Shriver

City and State

Baltimore, MD 21212

Attorney for Petitioner:

7105 Sheffield Road

(Type or Print Name)

Paul Shriver

Address

Baltimore, MD 21212

City and State

Baltimore, MD 21212

Attorney's Telephone No.: 296-6820

409 Washington Ave., Suite 600

Address

409 Washington Ave., Suite 600

City and State

Baltimore, MD 21204

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Baltimore, MD 21204

Attorney's Telephone No.: 296-6820

409 Washington Ave., Suite 600

Address

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City and State

Baltimore, MD 21204

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Baltimore, MD 21204

MICROFILMED

### PETITION FOR ZONING VARIANCE

#276

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

89-361-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 421.1 to permit set back as follows:

1) Front yard of 29 ft. in lieu of 200'; 2) 6' & 13' sideyards in lieu of 200'; 3) 73' rear yard in lieu of 200'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

- 1) Size of property
- 2) Long term use
- 3) Such other and further reasons to be presented at time of hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s):

(Type or Print Name)

Paul Shriver

Signature

Paul Shriver

Address

Margery Shriver

City and State

Baltimore, MD 21212

Attorney for Petitioner:

7105 Sheffield Road

(Type or Print Name)

Paul Shriver

Address

Baltimore, MD 21212

City and State

Baltimore, MD 21212

Attorney's Telephone No.: 296-6820

409 Washington Ave., Suite 600

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City and State

Baltimore, MD 21204

(over)

MICROFILMED

ORDER RECEIVED FOR FILING

Date 9/20/89  
By Robert Haines

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

August 31, 1989



S. Eric DiNenna, Esquire  
409 Washington Avenue, Suite 600  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
E/S Sheffield Road, 265' +/- N of the c/l of Chumleigh Road  
(7105 Sheffield Road)  
8th Election District - 4th Councilmanic District  
Paul Shriver, et ux - Petitioners  
Case No. 89-361-XA

Dear Mr. DiNenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3331.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: J. Shawn Alcaress  
807 Wellington Road, Baltimore, Md. 21212

All Protestants

People's Counsel

File

MICROFILMED

- 10 -



Paul L. P.R.

Paul L. Engineering Inc.  
301 W. Pennsylvania Ave.  
Towson, Maryland 21204  
301-281-5841

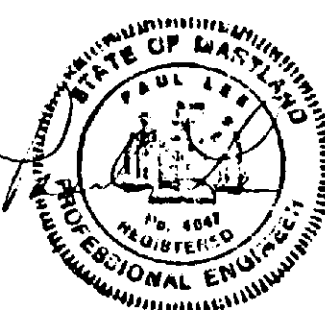
DESCRIPTION

7105 SHEFFIELD ROAD

9th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located on the east side of Sheffield Road, said point also being located 265 feet northerly from the center of Chumleigh Road; thence binding on the east side of Sheffield Road, (1) Northerly - 65 feet, thence leaving said east side of Sheffield Road, (2) Easterly - 135 feet, (3) Southerly - 65 feet and (4) Westerly - 135 feet to the point of beginning.

Containing 8,775 s.f. ( 0.20 acres ) of land more or less.



J.O. 88-070  
12-12-88

Engineers - Surveyors - Site Planners

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 9th Date of Posting: 2/21/89  
Posted for: Special Exception & Variance  
Petitioner: Paul Shriver, et al.  
Location of property: 7105 Sheffield Rd., 265' N c/l Chumleigh Rd.  
Location of Sign: 7105 Sheffield Rd.  
Remarks: 7105 Sheffield Rd., 265' N c/l Chumleigh Rd.  
Posted by: [Signature] Date of return: 2/21/89  
Number of Signs: 2 MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 23, 1989  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb. 23, 1989.

THE JEFFERSONIAN,

S. Zeke Olson  
Publisher

PO 09785  
reg M 25454  
price \$133.96

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 23, 1989  
Y, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Maryland, appearing on Feb. 23, 1989.

TOWSON TIMES,

S. Zeke Olson  
Publisher

PO 09785  
reg M 25454  
price \$133.96

MICROFILMED

89-361-XA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 18th day of January, 1989.

J. Robert Haines  
ZONING COMMISSIONER

Petitioner: Paul Shriver, et al. Received by: James E. Dyer  
Attorney: S. Eric DiNenna Chairman, Zoning Plans Advisory Committee

MICROFILMED

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE  
COUNTY COURTS BUILDING  
401 Bosley Avenue  
P.O. Box 6754  
Towson, Maryland 21285-6754

Kathy Rushion - 887-2680  
Jury Assignments - Civil  
General Settlement Conferences  
Margo Tyler - 887-2661  
Non-Jury Assignments - Civil  
Special Settlement Conferences

J. Shawn Alcarese, Esq.  
S. Eric DiNenna, Esq.  
County Board of Appeals  
Arnold Jablon, Esq.

October 4, 1990

NOTE: MOTIONS WILL BE HEARD MORNING OF TRIAL.

RE: NON JURY 90-CG-2543 IN THE MATTER OF PAUL SHRIVER, ET UX

HEARING DATE: WEDNESDAY, NOVEMBER 7, 1990 @ 9:30 A.M. CORRECTED NOTICE

ON THE FOLLOWING: ALL OPEN MOTIONS.

Please see the below notations.

UPON RECEIPT OF THIS NOTICE Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute excuse for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 30 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 30 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm 887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE  
COUNTY COURTS BUILDING  
401 Bosley Avenue  
P.O. Box 6754  
Towson, Maryland 21285-6754

Kathy Rushion - 887-2680

Jury Assignments - Civil  
General Settlement Conferences

Margo Tyler - 887-2661  
Non-Jury Assignments - Civil  
Special Settlement Conferences

August 1, 1990

J. Shawn Alcarese, Esq.  
S. Eric DiNenna, Esq.  
County Board of Appeals  
Arnold Jablon, Esq.

RE: Non-Jury - 90-CG-2543 IN THE MATTER OF THE APPLICATION OF PAUL SHRIVER, ET UX. VS. ROBERT SMITH ET AL.

HEARING DATE: WEDNESDAY, NOVEMBER 7, 1990 @ 9:30 A.M.

ON THE FOLLOWING: Appeal: 2 Hours

Please see the below notations.

UPON RECEIPT OF THIS NOTICE Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute excuse for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 30 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 30 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm 887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 1-4-89 ACCOUNT: F-01-615-000

AMOUNT: \$ 163.96

RECEIVED FROM: Paul L. Shriver, et al.

FOR: Comm. and 9th c/l Chumleigh Rd.

VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 7/10/89 ACCOUNT: R-01-615-000

AMOUNT: \$ 163.96

RECEIVED FROM: Paul L. Shriver, et al.

FOR: PA MICROFILMED 89-361-XA

VALIDATION OR SIGNATURE OF CARRIER

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

Date: 3-6-89

Re: Mr. & Mrs. Paul Shriver  
7105 Sheffield Road  
Baltimore, Maryland 21212

Re: Petition for Special Exception and Zoning Variance  
CASE NUMBER: 89-361-XA  
E/S Sheffield Road, 265' N c/l Chumleigh Rd.  
7105 Sheffield Road  
9th Election District-4th Councilmanic  
Petitioner(s): Paul Shriver, et al.  
HEARING SCHEDULED: FRIDAY, MARCH 10, 1989 at 11:30 a.m.

Dear Mr. & Mrs. Shriver:  
Please be advised that \$163.96 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines  
Zoning Commissioner of  
Baltimore County

MICROFILMED

JRH:gs  
cc: S. Eric DiNenna, Esq.  
File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

February 6, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception and Zoning Variance  
CASE NUMBER: 89-361-XA  
E/S Sheffield Road, 265' N c/l Chumleigh Rd.  
7105 Sheffield Road  
9th Election District-4th Councilmanic  
Petitioner(s): Paul Shriver, et al.  
HEARING SCHEDULED: FRIDAY, MARCH 10, 1989 at 11:30 a.m.

Special Exceptions & Dog (Hobby) Kennel.  
Variance to permit setback as follows: (1) front yard of 20 ft. in lieu of 200 ft.; (2) 5 ft. and 13 ft. side yards in lieu of 200 ft.; and (3) 75 ft. rear yard in lieu of 200 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
Zoning Commissioner of  
Baltimore County

cc: Mr. & Mrs. Paul Shriver  
S. Eric DiNenna, Esq.  
File

MICROFILMED